

REMARKS

The final Office Action of October 16, 2008 rejected all pending claims. In this Request for Continued Examination, Applicants amend claims 1, 8-9, 11, and 13, and cancel claims 10 and 14 without prejudice. As such, claims 1-2, 5-9, and 11-13 remain pending. Applicants respectfully request the Examiner's consideration and allowance of the pending claims in view of the amendments and remarks set forth in this Request.

CLAIM AMENDMENTS: CLAIMS 1, 8-9, 11, AND 13

Independent claims 1 and 8 have been amended to incorporate the subject matter of dependent claims 10 and 14, respectively. Claims 10 and 14 have been canceled. Independent claims 1 and 8 have further been amended as indicated above. Dependent claims 9, 11, and 13 have also been amended to recite that time slots for which a resource is usable are received and that a resource has sufficient availability for a second scheduling request. Support for these amendments can be found in paragraphs [0018-0025] of the specification.

No new matter is added.

CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103: CLAIMS 1-2, 5-9, AND 11-13

Claims 1-2, 5-8, 10, and 13-14 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publ. No. 2004/0267591 to Hedlund et al. ("Hedlund"). Claims 9 and 11-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hedlund in view of U.S. Publ. No. 2001/0014867 to Conmy ("Conmy"). Claims 10 and 14 are canceled. As such, claims 1-2, 5-9, and 11-13 remain pending. Claims 1 and 8 are independent.

Applicants' amended claims are patentable over the cited references because the cited references, either alone or in combination, do not teach or suggest "scheduling in the electronic schedule a remaining portion of the requested amount of time within the requested time period except within the specific time slot, wherein scheduling the remaining portion of the requested amount of time causes the availability of the resource for the remaining portion of the requested

amount of time to be greater than zero percent and less than one hundred percent," as recited in Applicants' amended independent claims.

Applicants' claimed subject matter relates to scheduling a resource request that "includes a date range and the estimated amount of time needed from the resource, but does not include concrete date and time facts." ([0005]). Applicants' claimed subject matter further relates to scheduling such a request as percentage of a resource's availability. Using FIGS. 2A-2C (reproduced below) as an illustrative example, a resource is usable for eight hours each day (8:00 AM – 4:00 PM) over the date range June 10-12. In FIG. 2A, the resource has an availability of 100% over the date range (availability is here the inverse of capacity). (See [0020]). In FIG. 2B, the resource has an availability of 33.3% each day after receiving a request for 16 hours over the date range. (See [0021]). In FIG. 2C, after the initial request is refined to require 8 of the 16 hours to be on June 11, the resource has an availability of 0% for June 11 and 50% for June 10 and 12. (See [0029-0032]).

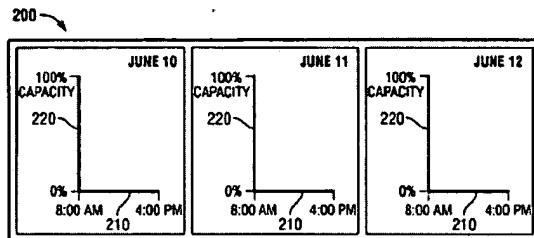


FIG. 2A

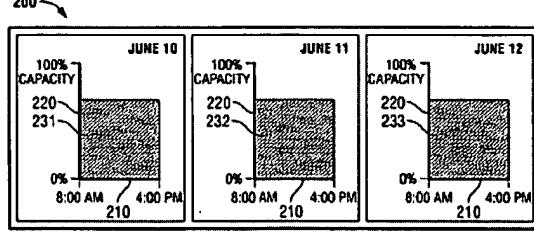


FIG. 2B

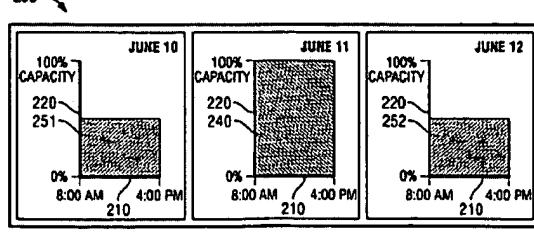


FIG. 2C

The claims bear out aspects of these scheduling features. For example, claim 1 recites “the requested amount of time being less than a maximum time amount that the resource is usable during the requested time period.” As another example, claim 1 recites “wherein scheduling the remaining portion of the requested amount of time causes the availability of the resource for the remaining portion of the requested amount of time to be greater than zero percent and less than one hundred percent.”

In contrast, Hedlund relates to scheduling requests for a resource’s time within concrete periods. For example, a “schedule may indicate that an employee is working from 8:30-11:00 am.” ([0039]). In Hedlund, a resource’s availability is not represented as a percentage but instead by the binary distinction between working (e.g., not available) and not working (e.g., available). For example, referring to FIG. 4 from Hedlund, either a resource is working (e.g. Resource A is scheduled to work positions 408, 406, and 405 on Monday) or it is not working (e.g., Resource A is not scheduled to work after 405 on Monday). (See [0040]). Even though Hedlund describes that a request may specify a range over which to schedule a resource, (see [0041]), the resulting schedule provides only a binary value (e.g., working or not working) for the resource’s availability within a time period. (See FIG. 4).

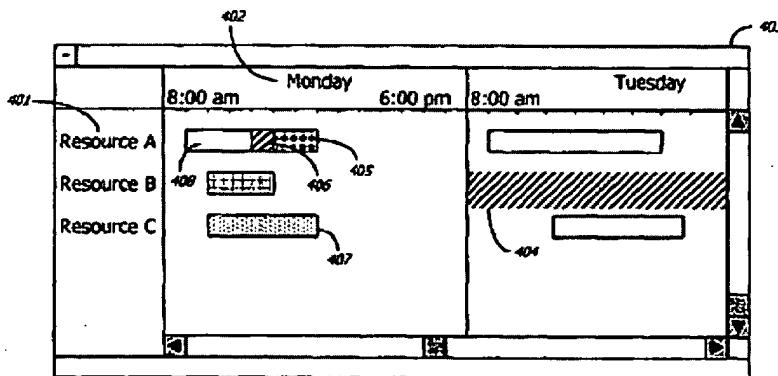


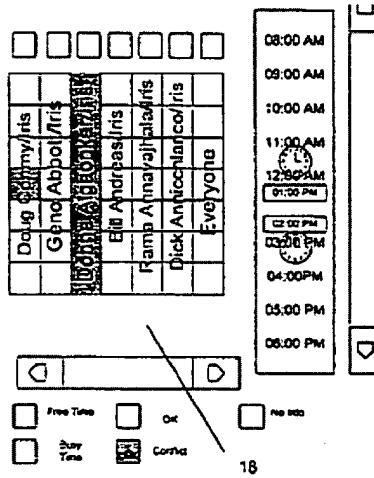
FIG. 4

Hedlund does not teach or suggest “wherein scheduling the remaining portion of the requested amount of time causes the availability of the resource for the remaining portion of the requested amount of time to be greater than zero percent and less than one hundred percent,” as

recited. Nowhere does Hedlund even mention the word "percent." Instead, Hedlund teaches that after a request is scheduled the availability of a resource is represented as a binary value.

Thus, Hedlund simply does not teach or suggest all the elements of Applicants' amended independent claims. The present claims are therefore not anticipated or rendered unpatentable by Hedlund.

The other reference cited in the Office Action, Conmy, does not cure the deficiencies of Hedlund. Like Hedlund, in Conmy the availability of a resource is represented as a binary value. As demonstrated by FIG. 8 (reproduced in-part below), in Conmy the availability of resource for a time period is depicted as either "Free Time" or "Busy Time" ("OK" and "Conflict" correspond to "Free Time" and "Busy Time" with respect to a resource request, respectively). Conmy does not represent a resource's availability as a percentage over a period of time. Nowhere does Conmy even mention the word "percent." As such, Conmy also fails to fairly teach or suggest all the elements of Applicants' amended independent claims.



Thus, the cited references, whether taken alone or in combination, simply do not fairly teach or suggest all the elements of Applicants' amended independent claims.

Nor do the cited references, taken alone or in combination, render Applicants' independent claims obvious, because Applicants' claimed subject matter can provide embodiments with features and advantages the cited references do not suggest or even contemplate. For example, Applicants' claimed subject matter can provide an accurate representation of a resource request that does not include concrete date and time facts.

Applicant : Ehret et al.
Serial No. : 10/815,131
Filed : March 31, 2004
Page : 9 of 10

Attorney's Docket No.: 13906-0180001 / 2004P00204
US

For at least the foregoing reasons, independent claims 1 and 8 define patentable subject matter over the prior art of record. Applicants respectfully request that the Examiner remove the rejections under 35 U.S.C. §§ 102 and 103 of independent claims 1 and 8, as well as claims 2, 5-7, 9, and 11-13, which depend either directly or indirectly from one of the independent claims.

CONCLUSIONS

Accordingly, each of the pending claims 1-2, 5-9, and 11-13, as amended, is in a form for allowance. As such, Applicants request that the Examiner allow claims 1-2, 5-9, and 11-13.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply \$810 for the Request for Continued Examination Fee and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: November 25, 2008 _____

/j richard soderberg reg. no. 43,352/ _____
J. Richard Soderberg
Reg. No. 43,352

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945

Applicant : Ehret et al.
Serial No. : 10/815,131
Filed : March 31, 2004
Page : 10 of 10

Attorney's Docket No.: 13906-0180001 / 2004P00204
US